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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79418

Shinji SUZUKI

Appln. No.: 10/767,209

Group Art Unit: 2841

Confirmation No.: 5728

Examiner: Hung S. BUI

Filed: January 30, 2004

For: RECORDING MEDIA PROTECTING MECHANISM

RESPONSE TO ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner has identified the application as containing claims directed to three distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes there are no generic claims. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicant elects Species I, Figures 1-4 for examination on which claims 1-3 are readable.

Although the Examiner maintains that "none of the claims are generic", clearly claims 1 and 2 are generic to all species. Thus, upon the allowance of a generic claim, claims 4 and 5 should be rejoined and allowed.

Applicant points out that although the Examiner indicates that claims 1-4 are pending (see PTOL-326), actually claims 1-5 presently are pending in the application.

Applicant submits that if any of the elected claims are found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

RESPONSE

U.S. Patent Application No. 10/767,209

Applicant reserves the right to file a Divisional Application directed to non-elected claims 4 and 5.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373
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Attorney Docket No.: Q79418